

Mar-07-05 10:31am From-JD CLEVELAND  
MAR-04-05 11:35AM FROM-

216 579 0212

T-029 2.010/013 S-927

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 503447605002

Group: 2121 )  
Examiner: Ronald D. Hartman, Jr. )  
Inventor: Mark L. Rutherford )  
Serial No.: 10/789,221 )  
Filed: February 27, 2004 )  
Title: Partitioned Control System And )  
Method )

DECLARATION UNDER  
37 C.F.R. § 1.132

Certificate of Transmission

I hereby certify that this correspondence is being transmitted via Facsimile to United States Patent & Trademark Office Facsimile Number (703) 872 - 9306 on March 7, 2005.

Printed name of person signing this certificate: Jacqueline M. O'Brien

Signature: Jacqueline M. O'Brien

DECLARATION UNDER 37 C.F.R. § 1.132

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Declaration is submitted to establish that the relevant portions of the article entitled "Partitioned Error Control" and published in the Journal Industrial & Engineering Chemistry Research in September, 1999, originated with, or were obtained from, Mr. Mark L. Rutherford.

CLI-1258189v1  
503447 - 605002

Mar-07-05 10:31am From-JD CLEVELAND  
MAR-04-05 11:36AM FROM

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T-02S P.011/013 F-027

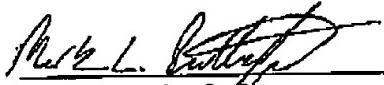
I, Mark L. Rutherford, depose and say:

1. I am the named inventor of United States Patent Application Ser. No. 10/789,221, filed February 27, 2004 and entitled "Partitioned Control System and Method." I am the inventor of the subject matter of currently pending claims 1-13 of the above-referenced application.

2. I co-authored with Dr. Kenneth A. Debelak the article entitled "Partitioned Error Control" published in the Journal Industrial & Engineering Chemistry Research in September, 1999 ("the Journal Article"). Fig. 2 of the Journal Article, and the corresponding textual descriptions of Fig. 2, describe a Partitioned Error Control structure of which I am the sole inventor. The subject matter of Fig. 2 and corresponding textual description describes work that originated with me and was obtained from me for inclusion into the Journal Article.

3. Dr. Debelak contributed to the Journal Article by comparing various performance characteristics of the Partitioned Error Control structure to the performance characteristics of numerous conventional controllers. Dr. Debelak's analysis, findings and conclusions are summarized and presented in the Journal Article.

4. I hereby declare that all statements made herein are of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued.

  
\_\_\_\_\_  
Mark L. Rutherford

Date: 03/04/2005

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503447 - 605002

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## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Attorney Docket No. 503447605001

Group: 2121 )  
Examiner: Ronald D. Hartman, Jr. )  
Inventor: Mark L. Rutherford )  
Serial No.: 09/531,057 )  
Filed: March 20, 2000 )  
Title: Partitioned Control Structure )

**DECLARATION UNDER  
37 C.F.R. § 1.132**

**DECLARATION UNDER 37 C.F.R. § 1.132**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This Declaration is submitted to establish that the relevant portions of the article entitled "Partitioned Error Control" and published in the Journal Industrial & Engineering Chemistry Research in September, 1999, originated with, or were obtained from, Mr. Mark L. Rutherford.

I, Kenneth A. Debelak, Ph.D., depose and say:

1. I am an Associate Professor of Chemical Engineering at Vanderbilt University. I co-authored with Mr. Mark L. Rutherford the article entitled "Partitioned Error Control" published in the Journal Industrial & Engineering Chemistry Research in September, 1999 ("the Journal Article").

2. Fig. 2 of the Journal Article, and the corresponding textual descriptions of Fig. 2, describe a Partitioned Error Control structure of which Mr. Rutherford is the sole inventor. The subject matter of Fig. 2 and corresponding textual description describes the work of Mr. Rutherford.

3. I contributed to the Journal Article by comparing various performance characteristics of Mr. Rutherford's Partitioned Error Control structure to the performance characteristics of numerous conventional controllers. My analysis, findings and conclusions are summarized and presented in the Journal Article.

4. I hereby declare that all statements made herein are of my own knowledge are true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under 18 U.S.C. § 1001 and that such willful false statements may jeopardize the validity of the application or any patent issued.

Kenneth A. Debelak  
Kenneth A. Debelak, Ph.D.

Date: 9/3/03